

ASSEMBLY BILL

No. 161

Introduced by Assembly Member Dymally

January 22, 2003

An act to add Section 859.5 to the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 161, as introduced, Dymally. Criminal procedure: felonies: interviews: videotape.

Existing law provides that under specified conditions the statements of witnesses, victims, or perpetrators of specified crimes may be recorded and preserved by means of videotape.

This bill would encourage law enforcement officials, as defined, who interview or interrogate persons accused of, arrested for, or charged with, a felony to voluntarily and for the interests of justice institute procedures whereby the interview or interrogation is simultaneously recorded and preserved by means of videotape, videodisc, or any other means of preserving audio and video.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 859.5 is added to the Penal Code, to
2 read:
3 859.5. (a) Law enforcement officials who interview or
4 interrogate persons accused of, arrested for, or charged with, a
5 felony are encouraged to voluntarily and for the interests of justice

1 institute procedures whereby the interview or interrogation is
2 simultaneously recorded and preserved by means of videotape,
3 videodisc, or any other means of preserving audio and video.

4 (b) For the purposes of this section, “law enforcement official”
5 includes any officer of the police, sheriff, highway patrol, or
6 district attorney, and any peace officer included in Chapter 4.5
7 (commencing with 830) of Title 3 of Part 2.
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